

## **PORT ST. JOE, FLORIDA**

**MAY 12, 2009**

### **REGULAR MEETING**

The Gulf County Board of County Commissioners met this date in regular session with the following members present: Chairman Nathan Peters, Jr., Vice Chairman Carmen L. McLemore, and Commissioners Billy E. Traylor, Bill Williams, and Warren Yeager.

Others present were: County Attorney Timothy McFarland, Deputy Clerk Leanna Roberts, Clerk Rebecca L. Norris, Clerk Finance Officer Carla Hand, Chief Administrator Don Butler, Deputy Administrator Lynn Lanier, Grant Writer Towan Kopinsky, Assistant Mosquito Control Director Mark Cothran, Planner David Richardson, Public Works Director Gerald Shearer, Road Department Superintendent Bobby Knee, Assistant Road Department Superintendent Chris Wood, Sheriff Joe Nugent and Veterans' Service Officer James Kennedy.

Sheriff Nugent called the meeting to order at 6:00 p.m., E.T.

Planner Richardson opened the meeting with prayer, and Commissioner Traylor led the Pledge of Allegiance to the Flag.

### **CONSENT AGENDA**

Upon motion by Commissioner Yeager, second by Commissioner Williams, and unanimous vote, the Board approved the Consent Agenda as follows:

1. Minutes - April 14, 2009 Regular Meeting
  - April 21, 2009 Workshop
  - April 21, 2009 Workshop
2. Fund Request George Washington Museum - \$1,000.00 \* Gulf County Friends of the Library, Port St. Joe - \$300.00 \* Davida Byrd Scholarship Foundation - \$300.00 \* Port St. Joe Garden Club - \$200.00 \* People Helping People - \$200.00 \* Gulf County Community Development Cooperation (Youth Enrichment Program) \$200.00 \* Community Improvement Council - \$300.00 \* G.A. Food Services, Inc. - \$150.00 \* Christian Community Development Fund \$300.00 (all to be paid from Account #21072-83000)
3. Invoice - Ausley & McMullen, P.A. Gulf Pines Hospital Bankruptcy (Invoice #75813 \* \$292.50 \* to be paid from Account #21111-31200)
  - County Attorney Timothy McFarland (April, 2009 \* \$8,927.00 \* to be paid from Account #21314-31100)
  - Legal Services of North Florida 2008-09 Legal Aid Services Disbursement (January 1 March 31, 2009 \* \$1,204.92 \* to

be paid from Account #71015-82000)  
- Rumberger, Kirk & Caldwell General Employment Matters (Invoice  
#736255 \* \$40.53 \* to be paid from Account #21111-31200)

(End)

### **PUBLIC HEARING / ORDINANCE - GOLF CARTS**

Pursuant to advertisement to hold a public hearing to consider adoption of an ordinance designating roadways within Gulf County, Florida for use by golf carts, County Attorney McFarland read the Ordinance by title and called for public comment. There being no public comment, Commissioner Williams motioned to adopt the following ordinance. Commissioner Yeager seconded the motion, and it passed unanimously.

#### **ORDINANCE NO. 2009-05**

AN ORDINANCE DESIGNATING ROADWAYS WITHIN GULF COUNTY, FLORIDA FOR USE BY GOLF CARTS, ESTABLISHING THAT CERTAIN GULF COUNTY ROADWAYS MEET THE REQUIRED CRITERIA FOR THE SAFE OPERATION OF GOLF CARTS, PROVIDING FOR THE POSTING OF SIGNS ON CERTAIN DESIGNATED ROADWAYS WITHIN GULF COUNTY FOR PERMISSIVE USE OF GOLF CARTS ON SUCH ROADWAYS, PROVIDING FOR HOURS OF OPERATIONS OF GOLF CARTS ON CERTAIN GULF COUNTY ROADWAYS, PROVIDING EQUIPMENT REQUIREMENTS FOR GOLF CARTS OPERATING ON CERTAIN GULF COUNTY ROADWAYS, PROVIDING FOR AN AGE LIMIT FOR PERSONS OPERATING GOLF CARTS ON CERTAIN GULF COUNTY ROADWAYS, PROVIDING FOR ENFORCEMENT, ESTABLISHING PENALTIES FOR VIOLATIONS, PROVIDING FOR SEVERABILITY OF ORDINANCE PROVISIONS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Gulf County Board of County Commissioners has determined that roadways in Gulf County, Florida are appropriately designated for use by golf carts and,

WHEREAS, the Gulf County Board of County Commissioners desires to exercise its powers pursuant to Florida Statute 316.212 and designate roadways within Gulf County, Florida for legal use by golf carts, and

WHEREAS, the Gulf County Board of County Commissioners has determined that the roadways designated herein for use by golf carts are areas where golf carts may safely travel on or cross the public road due to the reduced speed and volume of traffic within these areas as well as the character of the motor vehicle traffic and golf carts using the public roadway, and

WHEREAS, the Gulf County Board of County Commissioners hereby determines that golf carts may safely be operated on certain public roadways as set forth herein,

NOW, THEREFORE BE IT ORDAINED by the Gulf County Board of County Commissioners as follows:

1. Gulf County Board of County Commissioners hereby designates certain roadways in Gulf County for use by golf carts according to the rules established herein.
2. Golf carts shall be allowed to safely operate on or to cross roadways of those areas of all county roads within Gulf County, Florida which have a posted speed limit of 35mph or less and are not designated as a truck route.
3. The roadways designated herein for use by golf carts shall be posted by the County with signs indicating that this roadway has been designated for permissive use by golf carts.
4. Golf carts shall be allowed to operate on the designated roadways herein during the hours from sunup until sundown only.
5. Any golf cart operating on the designated roadways established herein for golf cart use shall be equipped with the following minimum equipment, efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.
6. A golf cart may not be operated on any of the Gulf County roads designated herein for use by golf carts by any person who is under the age of fourteen years of age.
7. This Ordinance shall be enforced according to law by the Gulf County Sheriff's Department.
8. A violation of this section is a non-criminal traffic infraction, punishable pursuant to Chapter 318 as either a moving violation for infractions of subsection (1), subsection (2), subsection (3), or subsection (4) or as a non-moving violation for infraction of subsections (5) and (6).
9. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions shall not be affected thereby.
10. This Ordinance shall become effective as provided by law.

This Ordinance adopted by the Board of County Commissioners of Gulf County, Florida this 12<sup>th</sup> day of May, 2009 at its regular meeting.

(End)

#### **CHANGE ORDER #19 ROAD BOND / CITY OF PORT ST. JOE**

Bill Kennedy, of Preble-Rish, Inc., appeared before the Board and requested approval of change order #19 for the City of Port St. Joe (1<sup>st</sup> Street and Monument Avenue turn lanes), in the amount of \$51,136.00. Commissioner McLemore motioned to approve change order #19. Commissioner Traylor seconded the motion, and it passed unanimously.

## **MENTAL HEALTH PROCLAMATION**

Gretchen Balough appeared before the Board and requested the Board adopt a Mental Health Proclamation for the month of May, 2009. Commissioner McLemore motioned to adopt the Proclamation as follows. Commissioner Yeager seconded the motion, and it passed unanimously.

### **PROCLAMATION OF MENTAL HEALTH MONTH MAY 2009**

WHEREAS, healthy individuals and healthy communities are essential elements of any strong and vibrant society; and

WHEREAS, mental health disorders and mental health problems affect people of all ages, backgrounds, and at all stages of life; and

WHEREAS, mental health problems are real and common, but it is important to remember that recovery is possible and with treatment, individuals with mental health problems can lead full and productive lives; and

WHEREAS, caring for your mind, as well as your body, is good for your overall health and it is key to success at home, at work and at school; and

WHEREAS, early detection, diagnosis and treatment of mental health problems greatly increases the likelihood of restored health; and

WHEREAS, Gulf County's mental health providers and advocate partners are working to dispel the fears, myths and misunderstandings commonly associated with mental illness, and increase access to treatment and support services; and

WHEREAS, Life Management Center of Northwest Florida joins Mental Health America in observing Mental Health Month each May to raise awareness and understanding of mental illness;

NOW, THEREFORE, we, the Board of County Commissioners for Gulf County, do hereby recognize the month of May 2009 as Mental Health Month in this great county.

We encourage all residents to join us in increasing awareness and understanding of mental health and the treatment options available in our community for adults and children with mental illness.

Signed on this day, the 12<sup>th</sup> of May 2009.

(End)

## **RECORDS DISPOSITION CLERK**

Clerk Norris requested approval to dispose of County records that have met the State's

records retention requirements (list on file in Clerk's Office). Commissioner Yeager motioned to approve this request. Commissioner Traylor seconded the motion, and it passed unanimously.

### **INVOICE BEACHES SEWER GRANT**

Clerk Norris discussed that the City of Port St. Joe has requested reimbursement for work on the Beaches sewer project, in the amount of \$1,512,615.19, stating that the additional information requested has been received. Chairman Peters discussed that everything is in order and the Auditors are in agreement with the County reimbursing these funds.

Commissioner Williams discussed that he is not in agreement with reimbursement at this time. After discussion by members of the Board, Chairman Peters passed the Chair to Vice Chairman McLemore, and motioned to approve the payment to the City of Port St. Joe. The motion died for lack of a second. Chairman McLemore returned the Chair to Commissioner Peters. Commissioner Yeager requested Chairman Peters contact the City of Port St. Joe and request they come before the Board to request the funds and give a project update.

### **AWARD BID #0809-17 / PLAYGROUND STRUCTURES**

Upon recommendation by Grant Writer Kopinsky, Commissioner Yeager motioned to award Bid #0809-17 for playground equipment, in the amount of \$19,770.00, to J.A. Dawson & Company (low bid). Commissioner Williams seconded the motion, and it passed unanimously.

### **IMPACT FEE COMMITTEE**

Deputy Administrator Lanier discussed that the Impact Fee Committee has received and approved another application for parks and recreation impact fees, stating that advertisements were sent out. Upon recommendation by the Impact Fee Committee, Commissioner Yeager motioned to approve funding for a Disability Beach Access in the Stumphole area, in the amount of \$9,600.00, to be paid from the impact fees. Commissioner Williams seconded the motion, and it passed unanimously.

Deputy Administrator Lanier inquired regarding the wishes of the Board to keep the Impact Fee Committee active. County Attorney McFarland stated that as long as there are funds in the Impact Fee Account, the Committee needs to stay active.

Upon inquiry by Deputy Administrator Lanier, the Board approved to advertise for Impact Fee applications.

### **HEALTH DEPARTMENT PEDIATRIC DENTIST GRANT**

Deputy Administrator Lanier discussed a letter from the Health Department requesting permission to pay grant matching funds for a Pediatric Dentist and Staff from their budget. Commissioner Williams motioned to approve this request. Commissioner Traylor seconded the motion, and it passed unanimously.

### **ECONOMIC DEVELOPMENT COUNCIL - APALACHICOLA RIVER SAND PROJECT**

Deputy Administrator Lynn Lanier presented an invoice to the Board from E.D.C. for the Apalachicola River Sand Project, in the amount of \$26,250.00. Commissioner Traylor

motioned to pay the invoice. Commissioner Williams seconded the motion, and it passed unanimously.

#### **WASTE MANAGEMENT RATES**

Deputy Administrator Lanier presented the Board with the new Waste Management garbage rates which will be effective June 1, 2009.

#### **BAY COUNTY INCINERATOR**

Deputy Administrator Lanier reported that the Bay County Incinerator will be closed from May 10<sup>th</sup> through June 10<sup>th</sup>, and stated that pickup dates by Waste Management will change due to the new contract.

#### **WALL THAT HEALS**

Veterans' Service Officer Kennedy discussed that the "Wall That Heals" organizers from Franklin County expressed their appreciation to Gulf County for their support.

#### **SAULS CREEK ROAD**

Road Department Superintendent Knee discussed that they have been working on the Sauls Creek Road for the past three weeks, stating that it is now open down to the park.

#### **THIRTY-ACRE SITE HOWARD CREEK ROAD**

Road Department Superintendent Knee reported that they have installed the driveway and culvert pipe right-of-ways on the thirty-acre site on the Howard Creek Road (consolidation site).

#### **APOLOGY COUNTY EMPLOYEE**

Commissioner McLemore discussed that an apology needs to be made to Road Department Superintendent Knee from the last Board meeting, in reference to the Road Bond Invoice and Change Order. Commissioner Williams discussed that there was no need to apologize. Commissioner McLemore apologized to Road Department Superintendent Knee.

#### **AWARD BID#0809-16 / BEACH RAKING SERVICE**

Chief Administrator Butler recommended that the Board award Bid #0809-16 to Coastal Parasail, in the amount of \$500.00/day (low bid) for beach raking. After discussion by members of the Board, Commissioner McLemore motioned to award Bid #0809-16 to the low bidder. Commissioner Traylor seconded the motion, and it passed unanimously. Upon inquiry by Commissioner Yeager, Adris Pender, of Coastal Parasail, appeared before the Board and discussed that they are only one hour away, and that the equipment will be left in Gulf County.

#### **JUNK/SALE OF BEACH RAKE**

Chief Administrator Butler discussed that Coastal Parasail and other bidders have offered to purchase the County beach rakes (inventory #70-520 and #70-657) at fair market value, based on Barbers Manufacturing. After discussion by members of the Board, County Attorney McFarland recommended that the Board junk and advertise for bids to sell the County beach rakes. Commissioner Yeager motioned to approve the recommendation of

County Attorney McFarland. Commissioner McLemore seconded the motion, and it passed unanimously.

#### **AWARD BID #0809-14 DESIGN/BUILD SOUTH GULF FIRE DEPARTMENT**

Chief Administrator Butler discussed a letter from South Gulf Fire Department regarding the design/build of a new fire department building, stating that the recommendation is to award the bid to Cathey Construction & Development. Commissioner Yeager motioned to approve this recommendation. Commissioner McLemore seconded the motion, and it passed unanimously.

#### **HIGHLAND VIEW FIRE DEPARTMENT**

Chief Administrator Butler recommended advertising to receive sealed bids for the design/build qualifications for the Highland View Fire Department, and not to piggy-back off South Gulf Fire Departments bid. Commissioner Williams motioned to approve recommendation. Commissioner Yeager seconded the motion, and it passed unanimously.

#### **ADVERTISEMENT ASSISTANT ADMINISTRATOR**

Chief Administrator Butler discussed that an advertisement has been placed in the Panama City News Herald for the Assistant Administrator/Jail Administrator.

#### **ADVERTISING PANAMA CITY NEWS HERALD**

Chief Administrator Butler discussed the circulation of the News Herald in Gulf County, and recommended that the Board begin advertising in the Panama City News Herald. He stated that this will allow advertisements to be in the paper in a timely manner, and will meet all requirements for ads that need to be in a paper of regional circulation. Commissioner McLemore motioned to approve this recommendation. Commissioner Traylor seconded the motion, and it passed unanimously.

Chief Administrator Butler discussed the size of ads and recommended not to advertise Town Hall Meetings (1/8-page) in the newspaper and to use flashing signs for Town Hall Meetings. Commissioner McLemore motioned to approve this recommendation. Commissioner Yeager seconded the motion, and it passed unanimously.

#### **MOSQUITO CONTROL**

Commissioner McLemore commended Assistant Mosquito Control Director Cothran for the work done by the Mosquito Control Department. Commissioner Traylor also commended Assistant Mosquito Control Director Cothran. Assistant Mosquito Control Director Cothran appeared before the Board and discussed how to make the chemicals last throughout the year, stating that he cannot maintain spraying at the current level without additional chemicals.

#### **HOWARD CREEK BRIDGE / ROAD BOND**

Commissioner McLemore discussed an issue with a bridge at Howard Creek, stating that there is only one-lane traffic and the school bus cannot cross the bridge. He recommended that Cape Concrete be allowed to repair the bridge, in the amount of \$2,500.00, to be paid from road bond funds. Commissioner McLemore motioned to approve this

recommendation. Commissioner Yeager seconded the motion, and it passed unanimously.

#### **STONE MILL CREEK FIRE DEPARTMENT**

Commissioner Traylor discussed that Stone Mill Creek Fire Department will be receiving their new fire truck this week. Commissioner Traylor motioned to pay \$250.00 from Aid from Parks and Recreation funds to Stone Mill Creek Fire Department. Commissioner Williams seconded the motion, and it passed unanimously.

#### **PUSH MOWERS DEAD LAKES PARK**

Commissioner Traylor discussed that there are some old lawn mowers at the Dead Lakes Park, stating that he would like to donate them to the State. County Attorney McFarland discussed that the lawn mowers would need to be transferred to other governmental entities. Commissioner Traylor motioned to transfer these items from the County to Gulf Correctional Institute and provide a list to the Clerk. Commissioner McLemore seconded the motion, and it passed unanimously.

#### **DANIEL MILLER**

Commissioner Traylor discussed that Daniel Miller passed away Sunday night, and recommended that a letter of condolence be sent to the family.

#### **STORMS GULF COUNTY CANAL**

Commissioner Yeager discussed that during storms there is a problem at the Gulf County Canal with silt coming from the rivers and canals, stating that this causes a problem with the boats coming in and out of the canal. He requested permission to work with Emergency Management Director Nelson and the Corp of Engineers to have a standard maintenance permit ahead of time for them to contract this out. Commissioner Yeager motioned to approve this request. Commissioner McLemore seconded the motion, and it passed unanimously.

#### **ENTERPRISE ZONE**

Commissioner Yeager discussed that he has received numerous calls regarding the Enterprise Zone, and requested Chairman Peters schedule a special meeting on this issue.

#### **LIGHTHOUSE KEEPERS QUARTERS**

Commissioner Yeager discussed that there are a lot of visitors going to the Lighthouse Keepers Quarters and there are no public restroom facilities, stating that a local contractor has agreed to rent them a port-o-let, in the amount of \$80.00 per month. The Board had no objection.

#### **AMERICUS AVENUE DITCH / ATLANTIC AVENUE**

Commissioner Williams discussed that there was a water line breakage at Americus Avenue ditch and Atlantic Avenue, stating that there was a lot of water and dirt that went



into the Americus Avenue ditch. He requested permission to have the engineers inspect the ditch and make sure there are no problems. The Board had no objections.

### **PROPOSAL CONSOLIDATION**

Commissioner Williams discussed the proposal given to the Board regarding consolidation. Commissioner Williams motioned to start the process to consolidate the five County departments. Commissioner McLemore seconded the motion, and it passed unanimously.

### **WILLARD RICHARDS**

Commissioner Williams discussed that Willard Richards passed away, and recommended that a letter of condolence be sent to the family.

### **AWARD BID #0708-25 DEBRIS REMOVAL CONTRACT**

Upon recommendation by Solid Waste Director Danford, Commissioner Yeager motioned to award bid #0708-25 for a debris removal contract to Ashbritt, Inc. Commissioner Williams seconded the motion, and it passed unanimously.

### **PORT ST. JOE HIGH SCHOOL GIRLS' SOFTBALL**

Commissioner Williams discussed that the Port St. Joe High School Girls' Softball Team will be in the State Championship Playoffs.

### **INSURANCE MEETING**

Commissioner Traylor discussed that he requested a Special Meeting at 5:00 p.m., E.T., prior to the next regular Board meeting May 26, 2009, concerning insurance.

### **STIMULUS UPDATE**

Upon inquiry by Commissioner Traylor, Chief Administrator Butler discussed that they quantified what they wanted to send to Scott Maddox with Governance Group in reference to the stimulus funds that would be beneficial to the County, stating that it is now in their hands.

### **F.E.M.A. ROADS**

Chief Administrator Butler discussed that Michael Hammond, of Preble-Rish, Inc., assisted with the assessment of the damaged roads, and they have identified over \$8 million in damages, stating that F.E.M.A. will be here next week. Michael Hammond, of Preble-Rish, Inc., appeared before the Board and discussed that there are approximately \$10 million in road damages, stating that the preliminary work is completed.

### **STIMULUS FUNDS**

Grant Writer Kopinsky discussed that she has applied for three different grants through the economic stimulus program. She reported that the Legislature has cut out the Florida Forever funding and possibly the F.R.D.A.P. for the upcoming year. Grant Writer Kopinsky discussed hazardous mitigation for Hurricane Gustav, stating that she will be attending a meeting at E.O.C. to review possible grant funds. She discussed the A.F.G. grant which has been submitted to Governance Group. She reported that she and Chairman Peters

attended a meeting with Opportunity Florida and upon their request, a needs list (as submitted to Governance Group) was submitted. Upon inquiry by Chairman Peters, Grant Writer Kopinsky discussed that she will check on funds for the Gulf County Library. Grant Writer Kopinsky also discussed the possibility of adding the elevator replacement to the list.

#### **INFORMATION TECHNOLOGY POSITION**

Chairman Peters discussed that the County needs to hire an I.T. person, stating this is a position that will have to be funded. Upon inquiry by Chairman Peters, Chief Administrator Butler reported that they had a meeting with all Constitutional Officers regarding this position. He reported that they received seven applications, three withdrew, and they interviewed four. Chief Administrator Butler discussed that out of the four applications they have narrowed it down to two, stating one is from California and one from Gulf County, and the interview committee is going to meet again with additional questions for the two applicants.

#### **SIMMONS BAYOU BRIDGE**

Chairman Peters discussed that replacement of the Simmons Bayou Bridge has been postponed until October due to tourism, and that the businesses are concerned about traffic being re-routed. Commissioner Yeager discussed that he has talked with Secretary Kelly of F.D.O.T. regarding this issue, and they are still planning on the by-pass, stating that he is trying to get a temporary bridge in this area.

#### **EXTENSION AGENT**

Sheriff Nugent reported that Extension Agent Roy Lee Carter is currently in the hospital.

#### **INFORMATION TECHNOLOGY POSITION**

Sheriff Nugent discussed that he attended the meeting regarding the I.T. position, and after the meeting he and Grant Writer Kopinsky worked on the computers at dispatch for approximately four hours.

#### **SPECIAL MEETING - INSURANCE**

Upon inquiry by Grant Writer Kopinsky, Commissioner Traylor discussed that this will be a Special Meeting on Tuesday, May 26, 2009 at 5:00 p.m., E.T.

There being no further discussion, and upon motion by Commissioner Yeager, the meeting did then adjourn at 7:19 p.m., E.T.

**NATHAN PETERS, JR  
CHAIRMAN**

**ATTEST:**

**REBECCA L. NORRIS**  
**CLERK**